P.R. No. 503/06
Presented by Sh. Atul Pandey
dated 11/09/06

SINGLE BENCH

CF/02 3

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माननीय छत्तीसगढ उच्च न्यायालय, बिलासपुर छ0ग0

याचिका प्रकरण(एस)क0 5556 / 2006

याचिकाकर्ता : श्रीमती आर0 बी0 विश्वकर्मा उम्र 45 वर्ष पति श्री आर0 आर0 विश्वकर्मा, निवासी वकील कालोनी सूरजपुर जिला सरगुजा छ0ग0

बनाम

उत्तरवादीगण : 1. छत्तीसगढ शासन, द्वारा जिलाधीश महोदय जिला सरगुजा छ.ग.

2. श्री संजय गुप्ता, प्रभारी जिला शिक्षा अधिकारी कार्यालय जिला शिक्षा अधिकारी, सूरजपुर, जिला सरगुजा छ0ग0

3. श्री अजय मिश्रा, प्रभारी सहायक संचालक शिक्षा, सूरजपुर जिला सरगुजा छ0ग0

4. श्री दयान्नद चौबे, सकुल प्रभारी, प्राथमिक शाला, नवापारा सूरजपुर जिला सरगुजा छ0ग0

5. छत्तीसगढ शासन, द्वारा सचिव महोदय, शिक्षा विभाग, डी0 के 0 एस 0 भवन, रायपुर छ0ग0

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OATH COMMISSIONER APARNA MALVIYA [redacted] 11/09/06 Bilaspur Chhattisgarh

याचिका अतंर्गत अनुच्छेद 226 सहपठित अनुच्छेद 227 भारतीय संविधान,

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.5556 OF 2006

Petitioner : Smt. R.B.Vishwakarma

versus

Respondents : State of Chhattisgarh and others

Present : Mr. Atul Pandey, counsel for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for respondents No.1 and 5.
None appears for other respondents.

ORDER
(Passed on 11th of October, 2006)

Learned counsel appearing for the petitioner submits that the petitioner, who was working as Headmistress, Government Girls Primary School, Surajpur, has been transferred as District Education Officer, Ramanujganj, by impugned order dated 7-7-2006 (Annexure य-1).

2. The petitioner has challenged the impugned transfer order on the ground that as per the transfer policy of the Government, an employee should be posted at a place where his/her spouse is working, as far as possible. Husband of the petitioner, namely, Shri R.R. Vishwakarma is posted at Surajpur.

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3. The transfer policy provides for "as far as possible". The policy is not mandatory that in all the events husband/wife should be posted at a place where his/her spouse is posted. This is for the employer to decide, looking to the administrative exigency and public interest. Old place of posting and the new transferred place of posting is within the same district.

4. The petitioner has not raised any other ground to assail the impugned transfer order.

5. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matters and this Court can interfere only with the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. None of the above grounds are available to the petitioner.

6. For the reasons aforestated and as a result, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal